



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** High Tech Irrigation, Inc.

**File:** B-236818

**Date:** October 26, 1989

---

### DIGEST

A protest filed by a prospective supplier to a prime contractor or a subcontractor is dismissed since the protester is not an interested party eligible to have its protest considered under the Competition in Contracting Act of 1984 and the General Accounting Office's implementing Bid Protest Regulations.

---

### DECISION

High Tech Irrigation, Inc. (HTI), protests the specifications in invitation for bids (IFB) No. N62474-89-B-6045, issued by the Department of the Navy to repair the effluent distribution system at the Marine Corps Air Ground Combat Center at Twentynine Palms, California. In its initial protest, HTI, a distributor for a manufacturer of impact sprinkler heads, contends that it cannot "bid on" the IFB requirement for underground sprinkler systems because the specifications describe gear-driven heads which are available through only one manufacturer--Toro--and, thus, the IFB in this respect is overly restrictive of competition. HTI requests that the specifications be amended to include impact sprinkler heads as an "equal" to the kind specified in the IFB. We dismiss the protest because HTI is not an interested party to protest the solicitation.

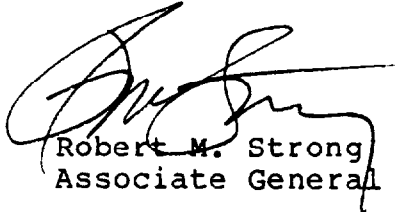
The Navy states that the protester informed the contracting office that its interest in the procurement is as a supplier to a contractor or subcontractor. The agency, therefore, requests that the protest be dismissed on the basis that HTI is not an interested party. HTI responds that "although by law [it] is not an interested party," it is, in essence, interested, in fact, because the solicitation precludes it "as a supplier" from offering its product to any of the potential offerors. In addition, the protester, in its response to the agency request, raises two new objections to the solicitation: that the specifications for the sprinkler computer control system are overly restrictive, and that the

046855/139847

required 36-station computer control system satellite is not available from any manufacturer.

Under the Competition in Contracting Act of 1984 (CICA), this Office only decides protests filed by an interested party, which the statute defines as an "actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by the failure to award the contract." 31 U.S.C. § 3551(2) (1988); 4 C.F.R. § 21.0 (1989). A prospective supplier or subcontractor does not have the requisite interest to be considered a prospective or actual bidder. Ultrox Int'l, B-233013, Nov. 29, 1988, 88-2 CPD ¶ 535.

Since HTI is not an actual or prospective bidder under the IFB, under CICA and our implementing Bid Protest Regulations, it is not an interested party to protest the propriety of the solicitation specifications. The protest is dismissed.



Robert M. Strong  
Associate General Counsel